THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.18072, 18073 and 18074 of 2006

04.9.2006

Between:

G.P.Ranagaiah, S/o.Obayya
And others

… Petitioners

AND

The District Collector, Guntur District
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.18072, 18073 and 18074 of 2006

COMMON ORDER:

Sometime in 1968, the land admeasuring about 8500 Sq.feet in T.S.No.1734/A situated at Narasaraopet in Guntur District was granted to Village Officers Association. It appears that the said Association constructed a building and four shops, and let them out to different persons including the petitioners in these writ petitions. After abolition of the system of Village Officers, the Village Assistants Association allegedly succeeded to the property and was collecting the rents from the lessees. The petitioner in W.P.No.18072 of 2006 is a licensed surveyor, who has opened his office in one of the shops. The petitioner in W.P.No.18073 of 2006 is running a chicken shop and the petitioner in W.P.No.18074 of 2006 is running a kirana shop, in two separate shops. The second respondent (the Revenue Divisional Officer, Narasaraopet) issued a notice in Rc.No.1567/2006A, dated 24.8.2006, directing the petitioners to vacate the shops in their possession, alleging that they were in illegal occupation of the same. Aggrieved by the said notice, these writ petitions are filed.

Learned Assistant Government Pleader for Revenue (General), after getting instructions, submits that the grant/assignment made to Village Officers Association was subject to the condition of not using the property for any commercial purpose and, therefore, the occupation is illegal. He also submits that on 29.8.2006, the Mandal Revenue Inspector under a cover of panchanama has sealed all the four shops including those of the petitioners. He, however, does not dispute that

the petitioners are not given any pre-decisional notice and that except sealing the shops, the petitioners' merchandise was not removed.

There is a dispute as to the nature of grant given to erstwhile Village Officers Association. Insofar as the right of the petitioners is concerned, they are regularly paying rents to Village Assistants Association and even if they are sub-lessees in law, they cannot be evicted without due process of law. Therefore, mere service of a notice directing the petitioners to vacate the shops cannot be sustained. If the petitioners are to be evicted from the occupation of the building/shops irrespective of the nature of grant/permission given to Village Officers Association, the Government shall have to proceed in accordance with law. On this limited ground, the impugned orders cannot be sustained, and therefore, they are set aside. It shall be open to the petitioners to approach the third respondent with a copy of the order to open the seals put on the shops on 29.8.2006. As and when the petitioners approach the third respondent, he shall handover possession to the petitioners.

The writ petitions are accordingly disposed of. No costs.

_____

(**V.V.S.RAO,J**)

September 04, 2006.

NOTE:

Issue order copy by
05.9.2006.
(By order)
YS